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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,131	08/18/2006	Fumio Kato	RR- 628 PCT/US	1391
20427	7590	10/26/2009		
RODMAN RODMAN 10 STEWART PLACE SUITE 2CE WHITE PLAINS, NY 10603			EXAMINER	
			HAGEMAN, MARK	
			ART UNIT	PAPER NUMBER
			3653	
			MAIL DATE	DELIVERY MODE
			10/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,131

Applicant(s)

KATO ET AL.

Examiner

Mark Hageman

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language and format of claim make it difficult to discern which elements are part of the "rotatable structure." Specifically the inclusion of the "rotatable blades which are supported by said multiple radially shaped elements" after the recitation of various components of the rotatable structure is confusing as the blades are attached elements that are not part of the rotatable structure. Moving the blade elements in the claim such that they come directly after the radially shaped elements or clearly indenting the structures that are part of the "rotatable structure" would alleviate this issue.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,305,552 to Coleman in view of US 5,458,246 to Thom. Coleman discloses a

casing (12, 14) into which particulates flow; a cylindrical net body (16) located inside said casing, said net body having two ends and extending in a horizontal direction (figure 2); said sifter further comprising a rotatable structure, including: said net body; a first ring member (42) which supports one of the two ends of the net body and being located on an upstream side of a flow of the particulates; a second ring member (44) which supports the other of the two ends of the net body and being located on a downstream side of the flow of the particulates; and multiple rods (40) which join said first ring member and said second ring member, wherein particulates that pass through said net body are separable from particulates or foreign substances that do not pass through the net, and wherein one of said first and second ring members is supported and rotatable by a rotatable supporting member (46, 48) which is supported by said casing and is forcibly rotatable by a second electric motor (52) as a second driving source, such that said rotatable structure is rotatable around said rotatable shaft independently of said rotatable shaft. Coleman does not disclose a rotatable shaft forcibly rotatable by a first electric motor as a first driving source; and, multiple radially shaped elements extending radially from said rotatable shaft; and rotatable blades which are supported by said multiple radially shaped elements and are located inside said net body and extend in the direction of said rotatable shaft, and are positioned to rotate along an inner surface of the net body, while particulates that have flowed into the net body are agitated with said rotatable blades such that said rotatable structure is rotatable around said rotatable shaft independently of said rotatable shaft. Thom discloses a rotatable shaft (140) forcibly rotatable by a first electric motor (105) as

a first driving source; and, multiple radially shaped elements extending radially from said rotatable shaft (141 or inner area of 145); and rotatable blades (145 or bent tips of 145) which are supported by said multiple radially shaped elements and are located inside said net body and extend in the direction of said rotatable shaft, and are positioned to rotate along an inner surface of the net body, body while particulates that have flowed into the net body are agitated with said rotatable blades such that said rotatable structure is rotatable around said rotatable shaft independently of said rotatable shaft (c1 lines 25+) in order to stir the material and aid in separating fine particles from coarser ones (c1 lines 27+).

It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to have modified Coleman to include the agitator blade arrangement, as taught by Thom, in order to stir the material and aid in separating fine particles from coarser ones.

Re claim said first ring member has an outer circumference and is supported and rotatable at said outer circumference by said rotatable supporting member which is constructed as a supporting roller. See above regard trunnion wheels 46 and 48, see also c6 lines 20+ of Coleman.

Allowable Subject Matter

5. Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to anticipate or render obvious the specific arrangement of the supporting parts such that the rotatable structure is supported and rotated by a member interacting with a hub at the center of the second ring member. This particular arrangement combined with the other claim elements, in particular the independently rotating shaft with blades differentiates the claim from the prior art.

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 4-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653

MCH